

**BEFORE THE ELECTION BOARD
OF THE
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS**

In the matter of Election Dispute Filed
by MARK RUSSELL, dated July 2, 2010,
concerning candidate
THURLOW (SAM) McCLELLAN.

ELECTION BOARD SUPPLEMENTAL OPINION AND DETERMINATION

On July 13, 2010, the Election Board issued its Opinion and Determination in this matter, concluding that candidate Thurlow (Sam) McClellan had violated provisions of the 2010 Election Regulations. The Opinion and Determination included an order which required that McClellan submit an apology letter to the registered voters of the Tribe, as well as those who he had mentioned in the taped conversation. The apology letter was ordered to be submitted to the Tribe by Friday, July 16, 2010, and once approved by the Election Board, to be mailed to the registered voters by Thursday, July 22, 2010.

The Election Board did not receive an apology letter, but instead received two letters from attorney Angela Sherigan on behalf of Mr. McClellan; one letter dated July 16, 2010, and one dated July 19, 2010. The letters clearly indicate that Mr. McClellan will not be submitting a letter of apology. The letters request that the Election Board reconsider its decision, and state reasons for the reconsideration request. The Election Board¹ met in closed session and reviewed and discussed the request for reconsideration, and it is denied.

Candidate Thurlow (Sam) McClellan has failed to comply with the July 13, 2010 Election Board Opinion and Determination in this matter. The Election Board has considered the seriousness of the incident; candidate McClellan's unwillingness and failure to comply with the Election Board's Opinion and Determination; his history of Election Rules violations in prior elections; and the irreparable harm which the violations have caused on the integrity of the election. See 2010 Election Regulations, Article X(11)(f). Therefore, the Election Board determines that candidate Thurlow (Sam) McClellan shall be removed from the general election ballot. The candidate with the seventh highest vote total in the primary election, being George Antoine, shall be placed on the general election ballot to maintain six candidates on the ballot. The general election shall be held pursuant to the attached Revised Schedule of Events for General Election.

¹ As with the original Opinion and Determination, Election Board member Ardith "Dodie" Harris did not attend the meeting, and Election Board Chairperson Desmond Berry did not participate in the deliberations or decision concerning this matter.

This determination was made unanimously by members of the Election Board deciding this matter. Pursuant to Article VII, Section 5(a) of the Grand Traverse Band Constitution, the decision of the Election Board shall be final and conclusive.

Dated: July 20, 2010



Nancy Fuller
Election Board Vice-Chairperson

REVISED SCHEDULE OF EVENTS FOR GENERAL ELECTION

July 28, 2010	Requests for application for absent voter ballot for the General Election accepted.
August 6, 2010 4:00 PM	Deadline for submitting a completed application for absent voter ballot. Those who have not completed all the required Election Board forms by this time and date shall not be eligible to receive an absentee ballot except in the event of an emergency (See Article XII, Section (7)).
August 10, 2010	Absentee ballots for the General Election mailed out to each registered Tribal voter who submitted a valid application requesting an absentee ballot.
Augu19 , 2010 4:00 PM	Deadline for voter registration for the General Election .
August 25, 2010 12:00 PM	Deadline for submitting a completed application for an Emergency Absentee Ballot. Those who have not completed all the required Election Board forms by this time and date shall not be eligible to receive an Emergency Absentee Ballot.
August 25, 2010 3:00 PM	Deadline for receiving Absentee Ballots and Emergency Absentee Ballots for the General Election that are hand delivered to the Tribal Enrollment Office or sent in the United States mail or with another public postal service, express mail service, parcel post service or common carrier at GTB Election Board, P.O. Box 9, Lake Leelanau, MI 49653. (See Article XII, Section (8)).
August 25, 2010 5:00 PM	Testing and Certification of polling machines at location to be determined; membership welcome.
August 26, 2010	Polls for the General Election open 7:00 AM to 7:00 PM.
August 26, 2010 7:00 PM	Deadline for receiving hand delivered Absentee Ballots and Emergency Absentee Ballots for the General Election at your assigned polling site. (See Article XII for Absentee Ballot Process)
August 26, 2010 9:30 PM	Ballots for the General Election counted in the Council Chambers at the Tribal Administration Building and "unofficial" results announced.
September 2, 2010 5:00 PM	Deadline for filing election challenges.
September 2, 2010	Primary Election results certified. (Date tentative pending resolution of any election challenges.)
September 7, 2010 2:00 PM	Oath of Office; Public Ceremony, Leelanau Sands Showroom. (Date tentative pending expiration of challenge period or resolution of any election challenges.)

Adopted by the Election Board on June 19, 2010.